

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

CENTRAL MUTUAL INSURANCE
COMPANY

Plaintiff,

v.

INTERLINE BRANDS, INC.,

Defendant.

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Case No. 4:15-cv-62

Judge Mattice

SCHEDULING ORDER

The parties shall discuss the possibility of utilizing the Federal Court Mediation Program in this case and shall notify the Court on or before **June 13, 2016** as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters expressing the parties' views in this regard should be sent to the attention of Russell Eslinger (Russell_eslinger@tned.uscourts.gov).

Disclosure and Discovery

(a) **Initial Disclosures:** The parties shall make all disclosures required by Rule 26(a)(1) on or before **April 1, 2016**.

(b) **Expert Testimony:** Plaintiff shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before **October 4, 2016**. Defendant shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before **November 1, 2016**. If at any time it appears that a Daubert hearing may be necessary to determine the admissibility of expert testimony, the parties shall notify the Court at their earliest convenience of the potential need for such a hearing.

(c) **Final Witness List:** On or before **November 15, 2016**, each party shall provide to all other parties a final witness list in accordance with Fed. R. Civ. P. 26(a)(3)(A). Within five (5) days after service of this final witness list, the list may be supplemented. After that time, the list may be supplemented only with leave of the Court and for good cause.

(d) **All Discovery:** All discovery, including the taking of depositions "for evidence," shall be completed by **November 29, 2016**. After this date, the parties may conduct discovery by agreement, but the Court will not involve itself in any disputes that may arise.

(e) **Pretrial Disclosures:** On or before **February 28, 2017**, the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(A)(ii)-(iii) (i.e., deposition testimony and exhibit lists).

(f) **Courtroom Technology:** On or before **March 27, 2017**, the parties shall (1) disclose to one another the technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment; data storage, retrieval, or presentation

devices); (2) disclose to one another the content of their electronic or digital materials; and (3) confirm the compatibility/viability of their planned use of technology with the Court's equipment. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website (www.tned.uscourts.gov). The parties shall familiarize themselves with the Rules regarding the Jury Evidence Recording System (JERS) *available at* www.tned.uscourts.gov/jers.php. Specific questions about Court-supplied equipment should be directed to the presiding judge's courtroom deputy (directory available on website).

Other Scheduling Matters

(a) **Joinder of Parties and Amendments to the Pleadings**: If any party wishes to join one or more additional parties or amend its pleadings, such joinder or amendment shall be made by **September 6, 2016**.

(b) **Dispositive Motions**: All dispositive motions per Fed. R. Civ. P. 12 or for summary judgment per Fed. R. Civ. P. 56 shall be filed as soon as possible, but not later than **December 23, 2016**. The failure to file such motions timely will be grounds to deny them summarily. **Absent extraordinary circumstances, Judge Mattice will not amend the dispositive motion deadline.**

As discussed in his judicial preferences – available on the Court's website at http://tned.uscourts.gov/preferences_mattice.php – Judge Mattice does not find Statements of Undisputed Material Facts to be helpful and will summarily disregard them unless they conform to the requirements in his preferences, i.e. (1) they are jointly-filed; (2) they contain no argument; (3) they state true facts and are not mere reiterations of the parties' positions. Any "response" to such a Statement will result in the Court construing the Statement as not jointly-filed and summarily disregarding it.

(c) **Motions in Limine**: Any motions in limine must be filed no later than **March 14, 2017** and must include a certification that the movant has in good faith conferred or attempted to confer with the other parties in an effort to resolve any disputes without court action.

(d) **Special Requests to Instruct for Jury Trial**: Pursuant to Local Rule 51.1, requests for jury instructions shall be submitted to the Court no later than **March 21, 2017** and shall be supported by citations of authority pursuant to E.D. Tenn. LR. 7.4. A copy of the proposed jury instructions should be sent as an e-mail attachment in WordPerfect or compatible format to: mattice_chambers@tned.uscourts.gov.

Before submitting proposed instructions to the Court, the parties must confer and attempt to resolve any disagreements. Each set of proposed instructions must include a certification that the movant has in good faith conferred or attempted to confer with the other parties in an effort to resolve any disputed instructions.

The Court uses the Sixth Circuit Criminal Pattern Jury Instructions as its model in formulating the final instructions given to the jury; therefore, all proposed jury instructions must follow their form of the pattern instructions. The parties shall not submit proposed instructions for matters common to both civil and criminal cases and covered by the pattern instructions unless they seek to depart from those standard instructions.

Final Pretrial Conference and Trial

(a) **Final Pretrial Conference:** A final pretrial conference will be held in this case on **March 27, 2017 at 4:00 p.m. EST** before the United States District Judge, Third Floor District Courtroom, U.S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee.

The parties shall prepare a proposed final pretrial order and submit that proposed order to the Court at least one business day before the final pretrial conference by sending it as an e-mail attachment in WordPerfect or compatible format to mattice_chambers@tned.uscourts.gov.

(b) **Trial:** The trial of this case will be held before the United States District Judge and a jury beginning on **April 11, 2017 in Chattanooga, Tennessee.**¹ The trial is expected to last **three days**. Counsel shall be present at **9:00 a.m.** to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date.

Should the scheduled trial date change for any reason, the other dates set by this Order shall remain as set forth herein. Should the parties desire a change in any of the other dates, they should file a motion suggesting alternate dates and showing good cause in accordance with Fed. R. Civ. P. 16(b)(4).

SO ORDERED this 8th day of March, 2016.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE

¹ The demands of the Court's docket dictate that all civil cases be scheduled for trial in Chattanooga, Tennessee. However, the Court will entertain motions to conduct trial in another division of this Court upon a showing of good cause by the parties. Any such motions must be filed **after the dispositive motions deadline but no later than four weeks before the final pretrial conference**, and the grant or denial of the same rests in the Court's sole discretion.